



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, FRIDAY, JUNE 22, 2007

No. 102

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God whom the heavens of heavens cannot contain, illumine us by Your grace, that we may accurately represent You.

May our Senators today show You their gratitude through humble service to this land that we love. Help them to do Your will by bringing deliverance to captives, guidance for the lost, and relief to the oppressed. Direct their steps and give them the wisdom to focus on the things that truly matter. When bewildered by vicissitudes, may they look to You as the one whom they must seek to please.

Touch us all with Your unfailing love, particularly the many staffers and other unsung heroes and heroines who labor long hours in the back-ground for liberty. We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 22, 2007.

To the Senate:

Under the provisions of rule I paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, the Senate will conduct morning business this morning. It will be announced as soon as I sit down. Members will speak for up to 10 minutes each under the order. There will be no rollcall votes today or during Monday's session.

### CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

AMENDMENT NO. 1867

Mr. REID. I ask unanimous consent that the title amendment to H.R. 6, which is at the desk, be considered and agreed to and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Amend the title so as to read: "An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes."

### MEASURE PLACED ON THE CALENDAR—H.R. 2359

Mr. REID. Mr. President, I know that H.R. 2359 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA MODGLING  
SERGEANT FIRST CLASS WILLIAM ZAPPE

Mr. REID. Mr. President, a few weeks ago, on Memorial Day, I spent a good part of the day in Boulder City, NV, where we have a veterans cemetery. It is new but growing fast. There are almost 25,000 graves in that cemetery which started less than 15 years ago.

On that day, I joined veterans, family, and friends to pay thanks to the Nevadans who have lost their lives in the Iraq and Afghanistan wars.

On that occasion, I shared the words of President Lincoln when our country was torn apart by the Civil War. Lincoln said:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8273

My dream is of a place and a time where America will once again be seen as the last best hope of Earth.

With the war raging in Iraq, with the whole area destabilized, his words ring loudly and clearly. My dream, as Lincoln's, is of a place and time where America will once again be seen as the last, best hope on Earth.

The day before yesterday, PFC Joshua Modgling, of Henderson, NV, lost his life in pursuit of that dream. He was 22 years old. Joshua and Army SFC William Zapfe, from Kentucky, both died of wounds from a roadside bomb. They were 2 of the 15 killed within 36 hours, the day before yesterday, in that bloody civil war raging in Iraq.

There is not much that can be said, other than our hearts are with the families of Joshua and William and all those who knew them. I speak for my colleagues and all Americans in praying that every brave man and woman serving overseas will come home safe and come home soon.

#### PASSAGE OF H.R. 6

Mr. REID. Mr. President, leaving that subject, which is certainly a subject that concerns us all, turning to the subject of this morning, around midnight, when we passed the Energy bill, it was a tremendous accomplishment for this body. As I said yesterday when, with the first vote, cloture was invoked, I hope that set a new tone and pattern in Washington, where we can work together to pass things.

It would be one thing if the bill that was before the Senate for the last couple of weeks was a Democratic bill, but it wasn't. I took what was passed out of the Energy Committee on a bipartisan basis, I took what was passed out of the Commerce Committee on a bipartisan basis, I took what was passed out of the Environment and Public Works Committee on a bipartisan basis and put them into one bill and that is what we have been working on. It is bipartisan legislation.

It is too bad some tried to make it a partisan issue. There is nothing partisan about it. It was a bipartisan bill. But some who do not want any accomplishments in the Senate, who resent the fact we have been able to pass minimum wage; drought relief for farmers for the first time in 3 years; for the first time since President Bush has been President, we have gotten money for homeland security, over his objection—we had tried many times—we got \$1 billion; we funded SCHIP; we funded the Government. You know, the Republicans left town and funded the Government only until February 1. We funded the Government until October 1. We passed a balanced budget, even though our majority, because of Senator JOHN-SON's illness, was 50 to 49. Republicans with 55 to 45 couldn't pass a budget. We did, and some resent that.

We have focused attention on Iraq, which has been unfocused for the entire course of that war. We had 80 hearings.

The Judiciary Committee has focused attention on the scandals at the Justice Department, led by Attorney General Gonzales. We have reestablished the legislative branch of Government. The Presiding Officer served for many years in the other body, such as I did. The House and the Senate make up the legislative branch of Government, set forth in the Constitution many years ago to be a separate and equal branch of Government—the legislative, executive and judicial branches of Government.

For the first 6 years of this Presidency, there was no legislative branch of Government. It did not exist. The President ignored it because the Republican-dominated House and Senate gave the President a big rubber stamp. We have changed that, and rightfully so, for the American people.

A number of people made possible passage of the bill late last night, or this morning. Senator BINGAMAN, Senator BOXER. And let me say this about that wonderful Senator from the State of California, Mrs. BOXER. Senator BOXER has one grandchild, Zach. I have watched him grow up. I don't know, he must be 10, 11 years old now. I watched him when he was a little boy crawling around on the floor. She was so excited.

I had the good fortune, my wife and I, to spend a weekend with them in one of their homes in California, she and Stu. They were so excited they were going to have their second grandchild. That second grandchild was born last night about 6 o'clock eastern time. She flew to California and was headed toward the airport, actually had entered the airport, when the vote occurred last night. She was coming back here to be here this morning to take that vote.

She is a real soldier. I so admire Senator BOXER. We came to Washington together in 1982. She was able to go back and spend some more time with her grandson because we didn't need her here this morning, but the vote was that close.

The bill is important. The overall manager of the bill was Senator BINGAMAN. He did a tremendous job. This quiet, effective man—Stanford and Harvard degrees—has done a wonderful job with this legislation, as he does with everything.

The CAFE standards in this bill which we have passed are so important. For 25 years, we have been trying to get increased fuel efficiency. Each time we have tried we have been defeated. People had enough. Senators had enough. We have voted against CAFE standards for too long. We were told they said that if you voted for increased fuel efficiency, we are going to close production plants, we are going to lay people off, we are going to lose market share.

They were right, except it didn't take increased fuel efficiency. They simply became not competitive. Other cars coming into this market that people wanted to buy, fuel-efficient vehicles,

were bought. So we increased fuel efficiency. It is great for this country. It will save millions of barrels of oil every year.

There was legislation that was drafted by a number of people to make this effective. It came out of the Commerce Committee originally, but the people who worked so hard the last few days were Senator FEINSTEIN, Senator KERRY, Senator SNOWE, Senator STEVENS, and let me say, I have the good fortune in working very closely with the senior Senator from Washington, Mrs. MURRAY. She is the secretary of the Democratic caucus. I have worked with her very closely.

She is a tremendous Senator, a tremendous asset to me, the caucus, of course the State of Washington, and the country.

One of the quiet, effective Members of the Senate is MARIA CANTWELL. Those of us who watched her the last 3 days on this Senate floor, making sure there were enough votes to pass the aspect of the bill we call CAFE standards, saw her effectiveness. She, at any given time with votes changing back and forth knew—that piece of paper she carried—where the votes were. I went to her many times yesterday and said what happens if this happens and what happens if this happens? She knew right away.

Senator INOUE, the chairman of the Commerce Committee, reported that out. He worked with Senator STEVENS to make sure that as the matter changed a little bit, it was done properly. I hope I mentioned Senator KERRY's name; I meant to. He is such a believer. He has written books. He is so concerned about the environment.

Words cannot describe how important Senator CANTWELL was in our being able to pass this legislation. Of course, my friend Senator DURBIN, who is the whip, assistant leader, is always around, always helpful in doing things I and others ask him to do, and does so much on his own.

I wish I could express my appreciation adequately to all of the people whose names I mentioned. If I slighted someone, I certainly did not mean to do that. But I have mentioned some names that have come to my mind.

With strong bipartisan support, we passed an energy bill that will grow our economy, strengthen our national security, and protect our environment. If passed into law, this bill will put us on a path toward reducing our reliance on oil by increasing supply of renewable fuels produced right here at home, and decreasing the amount of energy we use in our cars, homes, and offices.

Why do we say it will strengthen our economy? Because especially in rural America there will be biofuel buildings, factories to make biofuels.

We have done things to protect our environment by reducing greenhouse gases and other toxins that are emitted using fossil fuel. For the first time since 1975, our bill raises standards for new cars and trucks, as I have mentioned, from 25 to 35 miles per gallon,